

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 2, 1999

DIVISION ONE

B124378 People (Not for Publication)
v.
Rivera

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B121362 People
v.
Terry Lee Ballard

Filed order vacating opinion filed January 21, 1999.

DIVISION TWO

B120552 People (Not for Publication)
v.
Powell

The judgment is reversed and the matter is remanded to the trial court for further proceedings. Respondent is given the option of retrying appellant or accepting a conviction of the lesser included offenses of violation of Vehicle Code section 23152, subdivisions (a) and (b). (Pen. Code, 1260.).

Fukuto, Acting P.J.

We concur: Nott, J.
Zebrowski, J.

DIVISION TWO (Continued)

[illegible]

The judgment is affirmed with the following modifications: The Clerk of the Superior Court is ordered to correct the abstract of judgment to reflect the \$1,000 restitution fine pursuant to section 1202.45, the latter suspended unless appellant's parole is revoked.

Mallano, J. (Assigned)

We concur: Boren, P.J.
Zebrowski, J.

B117732 People (Not for Publication)
v.
Jordan

The Court:

The judgment is affirmed.

Boren, P.J., Zebrowski, J., Mallano, J. (Assigned)

B113256 Torres (Not for Publication)
v.
Forgey

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Zebrowski, J.

DIVISION TWO (Continued)

B122732 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Janell P.

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Zebrowski, J.

DIVISION THREE

B104018 California Commercial Bank (Not for Publication)
 v.
 The Prudential Insurance Company of America, et al.

The judgment is reversed. The matter is remanded to the trial court to (1) enter a new and different judgment in favor of Prudential, (2) re-calculate under the terms of the sublease, the amount of rent, and interest, owed by CCB to Prudential, and (3) vacate the award of attorney fees granted in favor of CCB. CCB's request for injunctive relief is moot because the bank has vacated the premises. Prudential is awarded costs on appeal.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B115436 People (Not for Publication)
 v.
 Qureshi

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION THREE (Continued)

B113092 Max Scrap Metals, Inc. (Not for Publication)
v.
Mountain View School District et al.

The judgment of dismissal of the cross-complaint brought by Max Scrap Metals as against the Mountain View School District, Barry Sweet, and Barry Sweet Auctioneers is affirmed. Costs on appeal are awarded to respondents.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B109934 Viorel Muresan et al. (Not for Publication)
v.
Farhad Hakimfar et al.

The order of dismissal is reversed and the case is remanded to the trial court with directions to vacate the order of dismissal and to reconsider the imposition of sanctions for the violation of the delay reduction rule regarding the failure to serve the summons and complaint within 60 days. Costs on appeal are awarded to Hakimfar.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (Continued)

[illegible]

The clerk of the superior court is ordered upon issuance of the remittitur to prepare a corrected abstract of judgment reflecting imposition of a \$5,000 restitution fine pursuant to Penal Code section 1202.4, subdivision (b), and to forward a copy of the corrected abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION FOUR

B100178 Fred Reid and Nella Reid (Not for Publication)
v.
Safeco Insurance Company of America

The judgment of dismissal entered on the Petition to Confirm (LASC No. BS035072) is affirmed, as is the judgment entered in the Reids' action against Safeco (LASC No. GC013445). Each side is to bear its own costs.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B121026 Vechery (Not for Publication)
v.
Shu Chin Kou and Shan Chun Kou

The judgment is affirmed. Costs are awarded to respondents.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

February 2, 1999-Continued

DIVISION FOUR (Continued)

B114861 People (Not for Publication)
v.
Hooper

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B119961 People (Certified for Partial Publication)
v.
Tillman

The abstract of judgment is modified to reflect a \$200 fine under section 1202.4 and a suspended \$200 fine under section 1202.45. In all other respects the judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FIVE

Court convened at 9:00 A.M.

Present: Turner, P.J., Grignon, J., Armstrong, J., and J. Belcher, Deputy Clerk.

Each of the following:

B122087 People v. Isiah Lucas
B121674 People v. Un Ho
B124069 People v. Roel Soto
B123958 People v. Oscar Barron
B119393 Fuchs v. Ford Motor Credit

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B125023 Dorothy Poole
v.
John Poole

Merits:
Argued by Arthur E. Schwimmer for respondent and by John Poole,
appellant in propria persona. Cause submitted.

B118802 People
v.
Southern California Edison Co.

Merits:
Argued by Kenneth B. Bley for appellant/respondent and by Michael M.
Berger for respondent/appellant. Cause submitted.

B116873 James Brunson et al.
v.
Department of Motor Vehicles

Merits:
Argued by Angela Siera, deputy attorney general, for appellant and by Ross
S. Heckman and James Brunson for respondents. Cause submitted.

B120387 Metro Goldwyn Mayer, Inc.
v.
The Walt Disney Company

Merits:
Argued by Bernard J. Nussbaum for appellant/respondent and by George T.
Caplan for respondent/appellant. Cause submitted.

B116675 Edward E. Kellman et al.
v.
Parkside Village Homeowners Assoc.

Merits:
Argued by Lola M. McAlpin-Grant for appellants and by Michael I. Berry
for respondent. Cause submitted.

DIVISION FIVE (Continued)

The court recessed at 11:25 a.m.

The court reconvened at 11:30 a.m.

Present: Turner, P.J., Armstrong, J., Godoy Perez, J., and J. Belcher, Deputy Clerk.

Each of the following:

B118994 People v. Saul Cantu
B118957 People v. Terry Noland
B123304 People v. Keith Jackson
B123545 People v. Thomas Winfrey
B122123 People v. Richard Jackson

Argument waived, cause submitted.

B127272 Dwayne T.
 v.
 Los Angeles Superior Court
 (D.C.F.S., r.p.i.)

Merits:
No appearance from petitioner's counsel. Real party in interest's counsel
having waived appearance. Cause submitted.

B114450 The People
 v.
 Jose Luis Cortez and Frontier Pacific Insurance Co.

Merits:
Argued by Laizer D. Gould for appellants and by William Woods, deputy
district attorney, for respondent. Cause submitted.

DIVISION FIVE (Continued)

B122802 People
 v.
 Weston Hernandez

Merits:

Argued by Dave Campbell, deputy district attorney, for appellant and by Mark Harvis, deputy public defender, for respondent. Cause submitted.

The court recessed at noon.

The court reconvened at 1:00 p.m.

Present: Turner, P.J., Armstrong, J., Godoy Perez, J., and J. Belcher, Deputy Clerk.

B117736 Victor Garcia
 v.
 Jerome Scritsmier

Merits:

Argued by Woodrow W. Pollock for appellant and by John C. Breslo for respondent. Cause submitted.

B120862 Bandar & Saba Holdings, Inc.
 v.
 Mushin Khazal Al-Hashimi

Merits:

Argued by Richard K. Kudo for appellant and by Violeta Sutkus for respondent. Cause submitted.

B118438 Florence Rostami
 v.
 Thomas McGuinness et al.

Merits:

Argued by Jeffrey I. Ehrlich for appellant and by Wendy S. Albers for respondents. Cause submitted.

DIVISION FIVE (Continued)

B123060 Kaiser Ventures, Inc. etc.
v.
Executive Officer of the Southcoast Air Quality Management District etc.

Merits:
Argued by Craig A. Moyer for appellant and by Elliott R. Sernel for respondent. Cause submitted.

B115621 Soheil Sedaghat
v.
County of Los Angeles

Merits:
Argued by Soheil Sedaghat, appellant in propria persona and by Daniel P. Barer for respondent. Cause submitted.

B121799 Robbie Ziegler
v.
Murray Tanzer et al.

Merits:
Argued by Vladimir Dozorsky for appellant and by Jay R. Petterson for respondents. Cause submitted.

Court adjourned at 2:35 p.m.

DIVISION SIX

B117754 Moline et al. (Not for Publication)
v.
Moffat & Nichols Engineers et al.

The judgment is affirmed. Costs shall be recovered by respondents.

Burke, J. (Assigned)

We concur: Gilbert, Acting P.J.
 Coffee, J.

February 2, 1999-Continued

DIVISION SIX (Continued)

B123410 Old Style Enterprises, Inc. (Not for Publication)

V.

B & D Restaurant Group, et al.

The judgment is affirmed. Costs are awarded to respondent.

Coffee, J.

We concur: Gilbert, Acting P.J.

Burke, J. (Assigned)

B114108 Baca (Not for Publication)

V.

Carlson Auto Sales, Inc.

The judgment is affirmed. Costs are awarded to respondent.

Coffee, J.

We concur: Gilbert, Acting P.J.

Burke, J. (Assigned)

DIVISION SEVEN

B123681 People (Not for Publication)

V.

Christopher R.

The order under review is affirmed.

Woods, J.

We concur: Lillie, P.J.

Johnson, J.

February 2, 1999-Continued

DIVISION SEVEN (Continued)

B122980 People (Not for Publication)
v.
Williams

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Neal, J.

B121012 Ruby Tuesday, Inc. (Not for Publication)
v.
California State Board of Equalization

The judgment is affirmed.

Lillie, P.J.

I concur: Woods, J.
I dissent: Johnson, J.(Opinion)